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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/517,133

06/29/2005

Aloys Wobben

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC

701 FIFTH AVE

SUITE 5400

SEATTLE, WA 98104

EXAMINER

WIEHE, NATHANIEL EDWARD

ART UNIT

PAPER NUMBER

3745

MAIL DATE

DELIVERY MODE

06/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/517,133	Applicant(s) WOBBEN, ALOYS	
	Examiner Nathan Wiehe	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24 is/are allowed.
- 6) ☒ Claim(s) 1,3-13 and 15-23 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see page 9, filed 10 May 2007, with respect to the rejection(s) of claim(s) 2 and 25 under 35 U.S.C. § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Noly (4,350,254).

With regard to Saia, contrary to applicant's assertion Saia is analogous art since it deals with the particular problem of hoisting a container like objection, regardless of what is housed in the container.

Drawings

The drawings were received on 10 May 2007. These drawings are accepted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,5-7,12,13,15-20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Almind (2003/0175089) in view of Koly (4,350,254). Almind discloses a container (100) for handling rotor blades (64) of a wind power installation the container constitutes the rotor blade receiving means and includes a carrier frame (102,104,56,120) that encloses the blade about four sides. Almind also discloses a locking member (78) pivotally mounted, through the use of cylinder (86), at one side of

the rotor blade receiving means (See [0052] and [0054]). The rotor blade is received in the rotor blade receiving means in a complementary locking relationship at least due to the securing structures 78 and 98. Further, the pivotably mounted locking member (78) constitutes a carrier plate releasably fixed to a perpendicularly extending carrier bar (one frame member 102 of the container). The container of Almind is rigid and inherently includes container corners positioned the bottom side of the container. Almind also disclose the method of securing a rotor blade including the steps of placing the blade into the carrier element described above which inherently protects the blade from damage and reduces wind effects due to the container's construction. Almind also discloses the steps of moving the carrier element toward a wind power installation and opening the cattier element to release the rotor blade (See [0057]-[0058]). Almind discloses the invention substantially as claimed except for the use of a ball rotary joint on the carrier element. Koly discloses a container hoist arrangement including a ball rotary joint (10) arranged and mounted to a container (11), through support structures 12 and 14). Koly also includes a rotary mechanism drive (15) at the ball joint. Koly's ball rotary joint allows for the container to be orientated around the vertical axis (Koly column 3, lines 46-47) and is provided to solve the particular problem of manipulating a hoisted object. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Almind by including a ball rotary joint as taught by Koly for the purpose of orientating the carrier element when hoisted.

Claims 4 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Almind (2003/0175089) in view of Koly (4,350,254), as applied to claim 1 above, and

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further in view of Saia et al. (5,953,928), hereinafter "Saia". Almind discloses the invention substantially as claimed except for the use of a plurality of eyes spaced along the carrier element. Saia discloses a container including a plurality of eyes (34). The eyes are utilized as connection points for a crane and enable the container to be lifted while sustaining balanced loading on the crane (Saia column 3, lines 7-13). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the carrier element of Almind by including a plurality of eyes for the purpose of providing a connection point to a crane that sufficiently balanced the loading on the crane.

In regard to claim 22, the eyes of Saia constitute an attachment means as claimed.

Claims 8-11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Almind (2003/0175089) in view of Koly (4,350,254), as applied to claims 1 and 18 above, and further in view of Holte et al. (5,397,000), hereinafter "Holte". The modified invention of Almind discloses the invention substantially as claimed except for the use of a plurality of cushions. Holte discloses a storage container (20) including an inflatable cushion (42) having a valve (44) for inflating the cushion. The cushion is provided to retain articles within a container (Holte column 1, lines 56-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the container of Almind by including a cushion as taught by Holte for the purpose of retaining the blade within the container. The court decision of, *In re Harza*, 274 F.2d 669, 104 USPQ 378 (CCPA 160), established the legal precedent that "mere duplication

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of parts has no patentable significance unless a new and unexpected result is produced." Since the specification is silent as to any additional benefit of multiple cushions as claimed, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a plurality of cushions in the manner as claimed as an obvious duplication of parts in order to better conform to the shape of the blade.

Allowable Subject Matter

Claim 24 is allowed.

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The use of a carrier bar extending perpendicularly with respect to the carrier element and have a cross-section that is variable over at least one region is not known in the art of handling rotor blades.

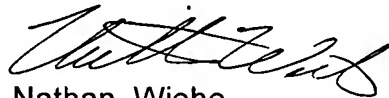
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Wiehe whose telephone number is (571)272-8648. The examiner can normally be reached on Mon.-Thur. and alternate Fri., 7am-4:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571)272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Nathan Wiehe
Examiner
Art Unit 3745



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6/14/07